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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,052	11/13/2001	James D. Scissom	034913-48-6001	6486
9629	7590	11/02/2004	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/987,052	SCISSOM ET AL. <i>MW</i>	
<b>Examiner</b>	<b>Art Unit</b>	Phi D A	3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-25 is/are pending in the application.
  - 4a) Of the above claim(s) 10 and 21-25 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9,11-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

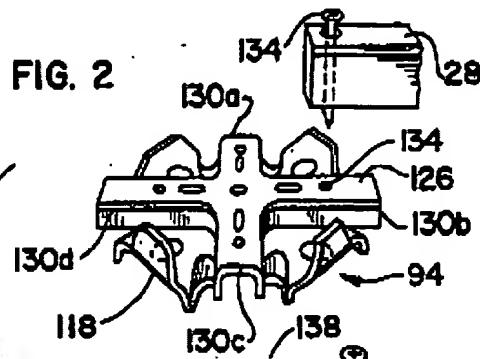
1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7, 9, 11-12, 13, 15-17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bessert (5477649).

Bessert (figure 2) shows a resilient pedestal head (94) comprising a base (the central section of the extensions 126, 130d, 130a, 130c) having a first surface, the first surface being disposed in a first plane, an arm (118) extending from and supported by the base for cantilevered movement relative thereto, the arm having a second surface (the flat section between the outside section 118 and 130d or 130b), the second surface being disposed in a second plane generally parallel to the first plane, the arm being deflectable by the weight of a panel mounted thereon (inherently so), the arm comprises a first portion (130d or 130b) downwardly depending from the



base and a second portion (the flat section ) extending transversely to the first portion, the second surface being part of the second portion and being vertically spaced from the first surface, the first and second portions of the arm having a substantially L-shaped cross section, a width,

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the base including a central portion and a peripheral portion lying in the first plane, the arm extending downwardly from the peripheral portion, the peripheral comprises first and second opposed sides and the arm extends downwardly from one of the sides, a second arm extending from and being supported by the other of the sides for cantilevered movement relative thereto, the second arm having a surface disposed in the second plane (the second arm having same structure as first arm but on a different side of the base), the first and second arms define with the base a generally U-shaped cross section, each of the first and second arms include a first portion downwardly extending from the base, each of the first portions include a section proximate the base and a section distal to the base, the base including four resilient arms extending from and supported by the base.

Per claims 11-12, Bessert shows an elevated floor system in combination with the resilient pedestal head of claim 1, the system including a floor panel (22) having a corner with first and second vertically spaced portions, the first surface of the base supports the first portion of the panel and the second surface of the arm supports the second portion of the panel (figure 6), the pedestal head is permanently deformable by application of an external force to realign the second surface into a parallel relationship with the first plane (inherently capable of doing so).

Per claims 13, 15-17, 19-20, Bessert shows an elevated floor system having first and second floor panels (see figure 1), each panel having a corner, a pedestal having a head (94) for supporting the panels, the pedestal including a base (the central section of the extensions 126, 130d, 130a, 130c) having a first surface supporting first portions of the corners of the panels (figure 6), first and second cantilevers (118) extending from the base, each cantilever having a second mounting surface(the flat section between the outside section 118 and 130d or 130b)

vertically spaced from the first surface supporting a second portion of the corner of one of the first and second panels (figure 6), the first and second surface being disposed in substantially parallel planes prior to mounting the panels thereon, the first and second cantilevers being deflectable relative to the base under the weight of the first and second panels mounted thereon to define a second configuration in which the first and second surfaces being non-parallel (inherently so), the second mounting surface of each cantilever includes a first hole (figure 2, the holes on the flat section), the cantilever has substantially L-shaped cross section, a second cantilever extends from the base, the first and second cantilevers define with the base a substantially U-shape cross section, the base including two opposed extensions and the first and second cantilevers extend from one of the extensions, third and fourth cantilevers extending from the other of the extensions, the third and fourth cantilevers defining with the base a substantially U-shape cross section, each of the floor panels having substantially flat upper surfaces and deflection of the cantilevers to the second configuration cause the upper surfaces to be non-parallel to each other (inherently so depending on the weight difference which causes the deflection), the pedestal head is permanently deformable by application of an external force to realign the first and second planes in a parallel relationship.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bessert (5477649) in view of Gailey et al (4364215).

Bessert shows all the claimed limitations except for the distance between proximate sections of first and second arms being less than the distance between the distal sections of the first and second arms.

Bessert further discloses the pedestal head can assume numerous other configurations (col 6 line 26-27).

Gailey et al shows a supporting structure (12) having the distance between proximate sections of first and second arms (20) being less than the distance between the distal sections of the first and second arms to enable the supporting structure to withstand strong load.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bessert to show the distance between proximate sections of first and second arms being less than the distance between the distal sections of the first and second arms as taught by Gailey et al because it would enable the pedestal head arms to support strong load.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bessert (5477649) in view of Fifer (4438610).

Bessert shows all the claimed limitations except for the panels having second holes aligning with the holes in the arms to enable fasteners to connect the arms to the panels.

Bessert further discloses the pedestal head can assume numerous other configurations (col 6 line 26-27).

Fifer shows panels having second holes aligning with the first holes in the arms to enable fasteners to connect the arms to the panels to securely fasten the arms and panels together.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Bessert to show the panels having second holes aligning with the holes in the arms to enable fasteners to connect the arms to the panels because it would enable the arms to be securely fasten to the panels as taught by Fifer.

*Response to Arguments*

6. Applicant's arguments filed 8/5/04 have been fully considered but they are not persuasive.

Applicant states that Bessert does not disclose the cross shaped bracket (126) supporting a first and second portion of the corner of a floor panel, examiner respectfully disagrees. As disclosed, Bessert's panel is supported by the stringers (28) which lay on top of the bracket (126). The bracket thus supports both the panels and the stringers. The bracket thus indirectly supports both the first and second portion of the panel at the respective surface as the surfaces of the bracket are part of one piece supporting the panels and the stringers. The weight of the panels with the portions is thus distributed to the parts of the brackets. The claims do not require that the first and second portion of the panels directly touch the surfaces for support. The argument is thus moot.

Applicant states that portion (118) cannot deflect to a second configuration by the weight of the panel, examiner respectfully disagrees. The weight of the panel through the stringers can deflect the configuration of the bracket (126) as there is nothing that prevents the bracket's parts from flexing. The argument is thus moot.

With respect to applicant's statements to the statutory requirement for rejection of claims 13, 15-17, 19-20, examiner further clarifies the issue as shown above. The change is not a change in the rejection, but only a clarification as to the original rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A *PA*

10/29/04

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